

REMARKS

This responds to the Office Action mailed on July 13, 2006, and the references cited therewith. Claims 47, 55, and 58 are amended. No claims are canceled or added; as a result, claims 47 – 60 remain pending in this application.

The Applicant has amended the independent claims to further clarify the invention as directed by the Examiner in the Office Action mailed on July 13, 2006, and as discussed during the interview on August 24, 2006.

Interview Summary

Applicant thanks Examiner Insun Kang for the courtesy of an interview on August 24, 2006, with Applicant's representative Ann M. McCrackin. Claim 47 was discussed during the interview. During the interview, the Examiner requested that an amendment be filed.

§102 Rejection of the Claims

Claims 47-60 were rejected under 35 U.S.C. § 102(e) for anticipation by Van Hoff et al. (U.S. Patent No. 6,272,536) referred to herein as "Van Hoff".

The Applicant does not admit that Van Hoff is prior art, and reserves the right to swear behind the references in the future. In addition, because the Applicant asserts that the Office has not shown that Van Hoff reference discloses the identical invention as claimed, the Applicant again traverses this rejection of the claims for at least the following reasons.

The term "channel" as used in independent claims 47, 55, and 58 has a different meaning than the term "channel" as used in Van Hoff. The term channel as defined by Van Hoff refers to "[a] named application consisting of code and data which can be subscribed to by an end-user. Once delivered to the end-user a channel behaves much like a normal application."¹ The office action suggests that Van Hoff's definition of a "channel" anticipates the "channel" recited by the Applicant's claims. However, the term "channel" as defined in the Applicant's specification refers to a ". . . a mechanism for distributing software to one or more targets from a central

¹ See Van Hoff at column 3 lines 1 – 4.

location. A channel is a hierarchical list of targets and tasks.”² In addition, the term “task” is defined in the Applicant’s specification refers to “a file, a script, or a command that is run or installed on a target computer.”³ Thus, Van Hoff does not teach each element of claims 47, 55 and 58 because Van Hoff does not teach “a channel to distribute software comprising a hierarchical list of one or more channel clients and one or more tasks assigned to each one of the channel clients” as recited in amended independent claim 47, and Van Hoff does not teach “a channel to distribute software comprising a list of tasks and deployment instructions for the task” as recited in amended independent claims 55 and 58.

Since Van Hoff does not teach the identical invention claimed, independent claims 47, 55, and 58 (as well as all claims depending from them) are in condition for allowance. Reconsideration and withdrawal of the rejection of claims 47 - 60 under § 102 is respectfully requested.

§103 Rejection of the Claims

Claims 50 – 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Van Hoff et al. (U.S. Patent No. 6,272,536). For the reasons described above, a *prima facie* case of obviousness has not been established as required by M.P.E.P. § 2142, and the Applicant respectfully traverses this rejection.

Claims 50 – 52 depend, directly or indirectly, on claim 47, and are patentable over Van Hoff for the reasons argued above, and are also patentable in view of the additional elements which they provide to the patentable combination. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is also nonobvious. Reconsideration and withdrawal of the rejection of claims 50 - 52 under § 103 is respectfully requested.

² See Applicant’s Specification at page 4 lines 9 – 11.

³ See Applicant’s Specification at page 4 lines 21 – 22.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9592 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date Aug. 16, 2007

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CERTIFICATE UNDER 37 CFR § 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16th day of August 2007.

Name: Ann M. McCrackin

Signature: Ann M. McCrackin